



West Virginia Senate

Committee on the Judiciary

Minutes for MARCH 29, 2021, 2:00 PM

Pursuant to the call of the Chair, the Senate Committee on the Judiciary met on March 29, 2021, 2:00 PM in Room 208-W.

Members present: Senators Trump, Weld, Azinger, Blair, Grady, Maynard, Phillips, Rucker, Smith, Stover, Takubo, Woodrum, Beach, Caputo, Lindsay, Romano, Woelfel

Members absent: None

A silent roll call being taken, the presence of a quorum was established.

On motion of Senator Stover, the minutes of the previous meeting were approved.

S. B. 485 - Relating to use or presentation of firearm during commission of felony.

Tom Smith, Chief Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

On motion of Senator Weld, the committee agreed to the committee substitute.

On motion of Senator Weld, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

S. B. 231 - Relating generally to medical cannabis.

Tom Smith, Chief Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

On motion of Senator Woelfel, the committee amended the committee substitute on page 10, line 29, article 3, section 1, subsection (a), subdivision (6) striking the word "four" and inserting the word "one".

With leave of the committee, Jason Frame, Director, Office of Medical Cannabis, West Virginia Department of Health and Human Services, was administered the oath prescribed by

Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions.
(See attached oath.)

On motion of Senator Weld, the committee agreed to the committee substitute, as amended.

On motion of Senator Weld, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

H. B. 2003 - Relating to the authority and obligations of the Governor and Legislature when in declared states of preparedness and emergency.

Tom Smith, Chief Counsel, explained the bill, the proposed strike and insert amendment, and responded to questions.

Senator Weld moved to adopt the strike and insert amendment.

On motion of Senator Caputo, the committee amended the strike and insert amendment to require additional reporting to Joint Committee in addition to the Speaker of the House and Senate President.

The committee adopted the strike and insert amendment, as amended.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass as amended.

H. B. 2253 - Relating to forgery and other crimes concerning lottery tickets.

Tom Smith, Chief Counsel, explained the bill, the proposed strike and insert, and responded to questions.

On motion of Senator Weld, the committee adopted the strike and insert amendment.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass as amended.

H. B. 2633 - Creating the 2021 Farm Bill.

Liz Schindzielorz, Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

Senator Weld moved to adopt the strike and insert amendment.

With leave of the committee, Brian Farkas, Executive Director, West Virginia Conservation Agency, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Jennifer Greenlief, Assistant Commissioner and General Counsel, West Virginia, Department of Agriculture, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Duane O'Dell, West Virginia Farm Bureau and West Virginia Poultry Association, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

On motion of Senator Weld, the committee amended the strike and insert amendment on page 6, line 42, section 3, subsection (b), subdivision (10) by restoring "at least two of whom are family farmers" and inserting a comma.

On motion of Senator Lindsay, the committee amended the strike and insert amendment on page 6, line 11, section 4, subsection (b), subdivision (2) by deleting "any such complaints received by the board, the department, or the commissioner, as well as all".

On motion of Senator Weld, the committee adopted the strike and insert amendment, as amended.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass as amended.

H. B. 2888 - Relating to when contentions can be revived based on forensic scientific evidence that was not available at time of conviction.

Tom Smith, Chief Counsel, explained the bill, and responded to questions.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass.

Chairman Trump moved **H. B. 3081** next on agenda.

H. B. 3081 - Updating the West Virginia Business Corporations Act.

Mark Dean, Counsel, explained the bill, and responded to questions.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass.

[NOTE: Senator Caputo voted no.]

H. B. 3175 - Relating to removing certain felonies than can prohibit vehicle salespersons from receiving a license.

Laura Goins, Counsel, explained the bill, and responded to questions.

Senator Romano moved to amend the bill on page 3, section 4, subsection (c), subdivision (5), line 54 by restoring "*Provided*, that upon the applicant's appeal the commissioner may grant an exemption to this restriction if the felony did not involve" and striking "in the last ten years involving"; and also inserting new subdivision (6), and renumbering remaining subdivisions, to state "Has been convicted of a felony in the last ten years involving a financial transaction involving the sale or purchase of a motor vehicle or the motor vehicle industry;"

Chairman Trump appointed a subcommittee for **H. B. 3175** consisting of Senators Weld, Maynard, and Romano.

On Motion of Senator Weld the committee adjourned.



Charles S. Trump
Chair



Beverly Douglas
Clerk/Analyst

The Senate of West Virginia



Testimony taken this 29th day of March, 2021, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Dwayne O'Dell

Print Witness Name

Dwayne O'Dell

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



The Senate of West Virginia

Testimony taken this 20th day of March, 2021, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Jennifer S. Greenleaf

Print Witness Name

Jennifer S. Greenleaf

Sign Witness Name

Oath was administered by:

Charles S. Trapp

Print Member Name

Charles S. Trapp

Sign Member Name



The Senate of West Virginia

Remote/Virtual Testimony

Testimony taken this 29th day of March, 2021, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Brian Fankas

Print Witness Name

Beverly Douglas

Testimony Attested to by Committee
Clerk

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



The Senate of West Virginia

Remote/Virtual Testimony

Testimony taken this 29th day of March, 2021, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Jason Frame

Print Witness Name

Beverly Douglas

Testimony Attested to by Committee
Clerk

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name